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By: Shirley Recipon Shirley Recipon

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lal et al.

Title: HUMAN SIGNAL PEPTIDE-CONTAINING PROTEINS

Serial No.: 09/002,485 Filing Date: December 31, 1997

Examiner: Saoud, C. Group Art Unit: 1647

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SHOWING OF FACTS AND AMENDMENT UNDER 37 C.F.R. § 1.196(b)(1)**

Sir:

In response to the Decision on Appeal mailed August 20, 2003 by the Board of Patent Appeals and Interferences, setting a two (2) month deadline to respond to new grounds of rejection, appellant-applicants ("Appellants") file herewith a showing of facts and an amendment under 37 C.F.R. § 1.196(b)(1).

Appellants file herewith:

- 1) the Declaration of John C. Rockett, Ph.D., under 37 C.F.R. § 1.132, with Exhibits A - Q;
- 2) the [First] Declaration of Tod Bedilion, Ph.D., under 37 C.F.R. § 1.132, with Exhibits A - H;
- 3) the [Second] Declaration of Tod Bedilion, Ph.D., under 37 C.F.R. § 1.132;

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4) the Declaration of Vishwanath R. Iyer, Ph.D., under 37 C.F.R. § 1.132  
with Exhibits A - E; and

5) ten (10) references published before the filing date of the instant application:

- a) WO 95/21944, SmithKline Beecham, "Differentially expressed genes in healthy and diseased subjects" (Aug. 17, 1995)
- b) WO 95/20681, Incyte Pharmaceuticals, "Comparative Gene Transcript Analysis" (Aug 3, 1995)
- c) Schena et al., "Quantitative Monitoring of Gene Expression Patterns with a Complementary DNA Microarray," *Science* 270:467-470 (Oct 20, 1995)
- d) WO 95/35505, Stanford University, "Method and apparatus for fabricating microarrays of biological samples" (Dec 28, 1995)
- e) U.S. Pat. No. 5,569,588, Ashby et al., "Methods for Drug Screening" (Oct 29, 1996)
- f) Heller al., "Discovery and analysis of inflammatory disease-related genes using cDNA microarrays," *PNAS* 94:2150 - 2155 (Mar 1997)
- g) WO 97/13877, Lynx Therapeutics, "Measurement of Gene Expression Profiles in Toxicity Determinations" (April 17, 1997)
- h) Acacia Biosciences Press Release (August 11, 1997)
- i) Glaser, "Strategies for Target Validation Streamline Evaluation of Leads," *Genetic Engineering News* (Sept. 15, 1997)
- j) DeRisi *et al.*, "Exploring the metabolic and genetic control of gene expression on a genomic scale," *Science* 278:680 - 686 (Oct 24, 1997)

Amendments to the claims begin on page 3.

Remarks begin on page 10.